

Notice of Allowability

Application No.

09/645,028

Applicant(s)

RYGAARD ET AL.

Examiner

Jenise E. Jackson

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/30/07.
2. ☒ The allowed claim(s) is/are 21-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. The Examiner rejected claims 21-43 on the grounds of nonstatutory obviousness-type double patenting over Patent No. 7046995, on 2/6/07. The Applicant filed a terminal disclaimer on 4/26/07.
2. Claims 21-43 are allowable for the following limitations, “the server storing prior to the jump from the first host to the second host, a first instance of the mobile application” is not taught in Jansen. Non-patent literature of Jansen teaches a peer-to-peer model where a mobile agent jumps from host to host. Each host has its own itinerary that it stores, and that is how the agent knows what hosts to jump to next. The path histories (i.e. itinerary) is sent between agents so that the receiving agent can compare the path history with a stored version of the itinerary in order to check for inconsistencies (see section 4.2.2). There is no teaching or suggestion in Jansen that the path history ever reaches or is stored on the server. Second, the server of Jansen does not detect unwanted changes in content of the mobile application, is persuasive. Jansen teaches a user may digitally sign an agent on its home platform before it moves onto a second platform(see pg. 18, section 4.2). The second platform verifies the source and integrity of the agent’s code. There is not teaching or suggestion of the server detecting unwanted changes in content of the mobile application. The agent’s perform integrity checking, not the server. Jansen briefly mentions the server in that the agent always returns to a secure central host first before moving onto any platform(see pg. 19, top of page). However, Jansen provides no specifics on what the server’s role actually is.
3. An example of prior art that fails to disclose or suggest “the server storing prior to the jump from the first host to the second host, a first instance of the mobile application, “detect

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unwanted changes in content of the mobile application”, is Frew. Frew discloses the first mobile agent arrives at the second node at a time at which the second mobile agent is not yet at the node, and the first mobile agent, resident at the second node, determining that the second mobile agent my eventually arrive at the second node, and deciding to leave a copy of the token at the second node. In response to the decision to leave a copy of the token, the first mobile agent leaves a copy of the token, the first mobile agent leaves a copy of the token at the second node. When the agent of Walsh completes execution on the second computer, the agent acts in accordance to the agent itinerary. Walsh also allows each agent to be able to change its itinerary. This is in contrast to the claims, which calls for, “the server storing prior to the jump from the first host to the second host, a first instance of the mobile application, “the server detect unwanted changes in content of the mobile application”.

4. Another example of prior art that fails to disclose or suggest the limitations above is Heddaya. Heddaya et al. discloses the mobile agent instructs the intermediate node to operate as a front-end server by executing code of the mobile agent such that the intermediate node provides at least a portion of the requested service. The mobile agent instructs the node to inspect network traffic and operate either as a secondary server node of the mobile agent. In contrast to prior art of file protection, the claims are not disclosed or suggested in prior art, the claims disclose, “the server storing prior to the jump from the first host to the second host, a first instance of the mobile application, “the server detect unwanted changes in content of the mobile application”. The agents of Heddaya do not disclose or suggest how the agents to chose where they are transferred. Thus, prior art of file protection fails to disclose the limitations above.

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5. Wong et al. teaches an agent roaming the network carries its own identity. At each stop in its travels, the agent's identity is verified against a list of the system's valid users. Each server includes a list of users as well as the corresponding resource-access permissions allowed for that user. Wong et al. also teaches that a digital signature can be associated with the agent to insure that the agent has not been altered. Wong does not disclose "the server storing prior to the jump from the first host to the second host, a first instance of the mobile application, "the server detecting unwanted changes in content of the mobile application".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

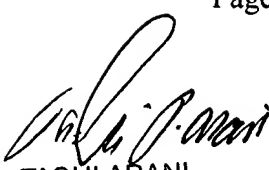
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TAGHI ARANI
PRIMARY EXAMINER
6/8/07